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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------------|
| 10/044,213 | 11/20/2001 | Vincent E. Parla | CIS01-06(4183) | 7385 |
| 58406 7590 11/27/2007 BARRY W. CHAPIN, ESQ. CHAPIN INTELLECTUAL PROPERTY LAW, LLC WESTBOROUGH OFFICE PARK 1700 WEST PARK DRIVE WESTBOROUGH, MA 01581 | | | EXAMINER ANYA, CHARLES E | |
| | | | ART UNIT 2194 | PAPER NUMBER |
| | | | MAIL DATE 11/27/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/044,213

Applicant(s)

PARLA ET AL.

Examiner

Charles E. Anya

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-20,22-39 and 43-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-13,19,20,22-31,37-39 and 43-49 is/are allowed.
- 6) ☒ Claim(s) 14-17 and 32-35 is/are rejected.
- 7) ☒ Claim(s) 18 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1,2,4-20,22-39 and 43-49 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 14-16 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,898,737 B2 to Goeller et al.**

4. As to claim 14, Goeller teaches in an event generation client, a method for processing events comprising: sending event registration information including identifying event information required to process event data (Step 324 Col. 13 Ln. 63 – 67, Col. 14 Ln. 1 – 10, Event Data Messages 60 Col. 7 Ln. 25 – 28); detecting an event (“Upon the occurrence of an event...” Col. 3 Ln. 33 – 40, figure 4 Col. 11 Ln. 39 – 47); in response to detecting an event, creating event data; and sending the event data to an event processing server (“...report the event to the server...” Col. 3 Ln. 37 – 40, figure 4 Col. 11 Ln. 39 – 47).

Although, the Goeller prior art does not explicitly teach that the event registration information further includes product versions currently supported and a definition of a

set of classes for said product, wherein said definition of a set of classes includes, for each, a name, a unique identifier, a description of the class, and definitions of dynamic variables of each class, said dynamic variables including properties and alarm attributes, however, the event message including the description, attributes and properties of the event (Event Data Message 60) provides a XML template as a general-purpose markup language that allows its users to define their own tags, therefore allowing one of ordinary skill in art at the time the invention was made to have the knowledge of implementing the sending of registration events to a server that includes the definition, description, attributes and properties of the registration event.

5. As to claim 15, Goeller teaches the method of claim 14 wherein the step of creating event data includes formatting the event data in a mark-up language format capable of transmission via a hyper-text transport protocol (“...XML...” Col. 12 Ln. 7 – 12, Col. 14 Ln. 1 – 10).

6. As to claim 16, Goeller teaches the method of claim 14 wherein the step of sending event registration information, further comprises the step of: initiating a multiple of status checks of sources to produce status check information; and forwarding status check information in the event data to the event processing server (“Upon the occurrence of an event...” Col. 3 Ln. 33 – 40, figure 4 Col. 11 Ln. 39 – 47).

7. As to claims 32-34, see the rejection of claims 14-16 respectively.

8. **Claims 17 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,898,737 B2 to Goeller et al. in view of U.S. Pat. No. 6,526,442 B1 to Stupek Jr. et al.**

9. As to claim 17, Goeller is with reference to the method of claim 14, wherein the step of sending the event data further comprises the step of: periodically sending event data to the event processing server as confirmation of an operating communications channel.

Stupek teaches the method of claim 14 wherein the step of sending further comprises the step of: periodically sending event data to the event processing server as confirmation of an operating communications channel (Col. 2 Ln. 54 – 67, "...periodically collects and saves..." Col. 5 Ln. 53 – 65).

It would have obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Goeller with the teaching of Stupek because the teaching of Stupek would improve the system of Goeller by providing plurality of notices indicative of the state of network to a management engine (Stupek Col. 2 Ln. 54 - 67).

10. As to claim 35, see the rejection of claim 17 above.

Allowable Subject Matter

Claims 1,2,4-13,19,20,22-31,37-39 and 43-49 are allowed.

Claims 18 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1,2,4-20,22-39 and 43-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

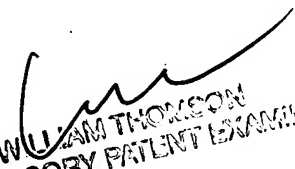
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2194

cea.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER